



PATENT
Customer No. 22,852
Attorney Docket No. 07738.0147-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Grant E. DUBOIS et al.)	Group Art Unit: 1761
)	
Application No.: 09/838,809)	Examiner: C. Paden
)	
Filed: April 20, 2001)	
)	
For: NON CALORIC FROZEN)	Confirmation No. 3526
CARBONATED BEVERAGE)	

MAIL STOP RCE

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Office the following information. Under 37 C.F.R. § 1.97(b)(4), this Information Disclosure Statement is being filed before the mailing of a first office action after the filing of a Request for Continued Examination. Therefore, no fee is necessary for its consideration by the Office.

In or around 1990, The Coca-Cola Company marketed and sold a frozen carbonated beverage under the Fanta® label in Wild Cherry flavor. The product contained the following ingredients: water, high-fructose corn syrup, flavor (including propylene glycol as a microbial preservative), citric acid, sodium benzoate (preservative), caramel color, yucca extract, quillaia, red 40, aspartame, and sodium saccharin.

The product had the following calorie counts: 69 cal./8 oz. liquid; 38.4 cal./8 oz. at 80% expanded; 32.9 cal./8oz at 110% expansion. The product was made to be sold at 95±15% expansion. Substantial amounts of high-fructose corn syrup were considered necessary to achieve appropriate performance in a frozen carbonated beverage dispenser.

Applicants reserve the right to take appropriate action to establish the patentability of the disclosed invention over the cited information, should it be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Information Disclosure Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Robert C. Stanley
Reg. No. 55,830

Dated: February 22, 2005

By: _____

Lori-Ann Johnson
Reg. No. 34,498

for